

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DAVID MATTHEW BANKS
ANA ESTHER BANKS
FKA ANA ESTHER VELAZQUEZ

CHAPTER 13

Debtor(s)

CASE NO: 1-16-04203-HWV

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

vs.

DAVID MATTHEW BANKS
ANA ESTHER BANKS
FKA ANA ESTHER VELAZQUEZ
Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on February 6, 2023, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Douglas R. Roeder, Esquire, and moves this Honorable Court for Dismissal, a statement of which follows:

1. Debtor(s) filed the above case on October 10, 2016.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates – **09/25/2017, 08/14/2018, 12/10/2019**
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently 3 months in default with arrearages of \$330.00, along with their current regular monthly payment of \$88.00, through February 6, 2023. The total arrearage amount therefore due is **\$418.00.**
6. The non-payment of Debtor's plan obligation is
 - a. a material default with respect to the confirmed plan; and
 - b. an unreasonable delay by Debtor that is prejudicial to creditors.

7. Dismissal of the case is in the best interest of the creditors and the estate.
8. Notice of hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Dated: February 6, 2023

Respectfully submitted,

/s/ Douglas R. Roeder, Esquire

ID: 80016

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: (717) 566-6097

email: droeder@pamd13trustee.com

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FKA ANA ESTHER VELAZQUEZ
 Respondent(s)

NOTICE

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

March 8, 2023 at 09:35 AM
Bankruptcy Courtroom
Ronald Reagan Federal Bldg.
3rd Floor, 228 Walnut Street
Harrisburg, PA 17101

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the U.S. Bankruptcy Court.
2. You have filed a voluntary conversion to Chapter 7 or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.

Dated: February 6, 2023

Respectfully submitted,

/s/ Douglas R. Roeder, Esquire

ID: 80016

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: (717) 566-6097

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on February 6, 2023, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served Electronically

KARA K GENDRON
MOTT & GENDRON LAW
125 STATE STREET
HARRISBURG PA 17101-

UNITED STATES TRUSTEE
SUITE 1190
228 WALNUT STREET
HARRISBURG, PA 17101

Served by First Class Mail

DAVID MATTHEW BANKS
ANA ESTHER BANKS
2432 CHADWICK COURT
HARRISBURG PA 17110

I certify under penalty of perjury that the foregoing is true and correct.

Date: February 6, 2023

/s/ Matt Arcuri
Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: info@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.